

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Glynn Purcell

Plaintiff,

v.

U.S.A. Beef Packing, LLC,

Defendant.

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Case No. 2:22-cv-00270-GJF-SMV

OPPOSED MOTION FOR WITHDRAWAL OF DEFENDANT’S COUNSEL

This Opposed Motion for Withdrawal of Defendant’s Counsel is brought by Rosemary M. Marin of ScottHulse, P.C. as counsel for Defendant U.S.A. Beef Packing, LLC. Movant respectfully moves the Court to grant permission to withdraw in this case, for good cause. Pursuant to Local Rules of Civil Procedure 83.4(b) and 83.8, and New Mexico Rules of Professional Conduct, 16-116, Movant would show as follows:

1. Defendant U.S.A. Beef, LLC (“Defendant”) is unable to fulfill its obligations to the undersigned counsel regarding counsel’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.

2. Movant’s representation of Defendant will result in an unreasonable financial burden on the undersigned counsel or has been rendered unreasonably difficult by the client.

3. Movant has contacted Defendant to advise of this Motion for Withdrawal and request consent in the Motion, but Defendant has not responded to the request. For this reason, the undersigned presumes that Defendant is opposed.

5. All parties are hereby advised that any objections to this Motion for Withdrawal must be made within fourteen (14) days from the date of service of this motion. Failure to object within this timeframe shall constitute consent to grant this motion.

6. Defendant has been advised that Defendant, as a business entity and not a natural person, cannot appear in this action without representation by an attorney and that absent appearance of a new attorney for Defendant, filings made by Defendant may be stricken and default judgment or other sanctions imposed.

6. Defendant has been advised that Defendant's discovery responses are due on October 3, 2022, unless another extension is granted.

7. Undersigned counsel is unaware of successor counsel at this time. The mailing address for Defendant is 3845 Cedarvale Road, Roswell, NM 88203 and Defendant's phone number is (575) 363-6070.

8. This Motion for Withdrawal is made in good faith, is not intended either to prejudice the rights of Defendant or delay resolution of this case, and withdrawal can be accomplished at this time without material adverse effect on the interest of Defendant.

FOR THESE REASONS, counsel for Defendant, Rosemary Marin of ScottHulse, P.C., respectfully requests that this Court grant the motion and permit her to withdraw as counsel of record for Defendant, and seeks such other and further relief it may show itself to be justly entitled, and which the Court may deem proper.